

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 21263 of 2004

Between:

B.Venkatesham, S/o Late Balraj,
R/o H.No.4-5-93, Jawahar Road, Nizamabad Proper and District.

... PETITIONER

AND

- 1 The Superintendent of Police, Nizamabad District, Nizamabad.
 - 2 The Sub-Inspector of Police, I-Town Police Station, Nizamabad.
 - 3 K.Sudershan, S/o late K.Yellaiah,
 - 4 Smt.K.Vanaja, S/o K.Sudershan,
 - 5 Smt.K.Sujatha, S/o K.Prabhakar,
- Respondents No.3 to 5 are r/o c/o Bharathi Gas, Shilpa Enterprises, Near Fire
Station Road, Nizamabad.
- 6 Bobbili Pedda Narsaiah, S/o late Chinnaiah,
 - 7 Bobbili Chinna Narsaiah, S/o late Chinnaiah,
- Respondents No.6 and 7 are R/o H.No.2-2-113, Bobbili Veedhi, Nizamabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that
in the circumstances stated in the Affidavit filed herein the High Court
will be pleased to issue an order or direction more particularly one in

the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents No.1 and 2 in not taking the action upon complaint filed by the petitioner dated 2-9-2004 even though the submissions in the said complaint constitutes the offences punishable under cognizable and non-bailable offences against the respondents No.3 to 7 is arbitrary, illegal, null and void and violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of the Criminal Procedure Code. Consequently direct the respondents No.1 and 2 to take necessary action against the respondents No.3 to 7 basing upon the complaint filed by the petitioner dated 2-9-2004 which constitutes the offences cognizable and non-bailable and the investigation may be directed to be done through CB.CID or any other independent investigation agency.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondents 1 and 2: GP FOR HOME

The Court, at the admission stage, made the following:

ORDER:

Petitioner claims to have submitted a complaint before the second respondent making certain allegations against Respondents 3 to 7 under various provisions of the Indian Penal Code. His grievance is that though the acts complained of by him are serious in nature, second respondent has not taken any action so far.

2. Heard the learned counsel for petitioner and the learned Government Pleader for Home.

3. Criminal Procedure Code prescribes procedure for taking cognizance of offences; either on its own accord, by the police or on complaints submitted by the aggrieved parties. Whenever a complaint is received, the Station House Officer is under obligation to examine the same and take necessary steps. If he is of the view that cognizance of the same cannot be taken, he has to inform

the same to the complainant. The complaint cannot be kept unattended to, indefinitely. It is too early for this Court to express any opinion as to the nature of complaint or the course that needs to be adopted on the same. The second respondent has to act upon the complaint.

4. Hence, the writ petition is disposed of directing second respondent to take appropriate action or steps on the complaint said to have been submitted by the petitioner, immediately. In case, he finds that cognizance of the matter cannot be taken; he shall intimate the same to the petitioner within a period of one week, duly furnishing the reasons therefor.

L. NARASIMHA REDDY, J

November 22, 2004

NOTE: Furnish copy in three days

(B/o)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The Superintendent of Police, Nizamabad District, Nizamabad.
- 2 The Sub-Inspector of Police, I-Town Police Station, Nizamabad.
- 3 Two C.C. s to the G.P. for Home, High Court Buildings, Hyderabad (OUT)
- 4 Two C.D. Copies.